



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

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CERTIFIED MAIL

February 21, 2007

Richard A. Nylén, Esq.
Lynch DeSimone & Nylén, LLP
12 Post Office Square
Boston, Massachusetts 02109

Re: NEWBURYPORT - Solid Wastes/COR
Crow Lane Landfill
Paragraph 9 – Resumption Placement of C & D
Approval
FMF No. 39545

Dear Attorney Nylén:

The Massachusetts Department of Environmental Protection, Bureau of Waste Prevention, Solid Waste Section (the "MassDEP") and the Office of the Attorney General are in receipt of your letter dated February 15, 2007 requesting that your client, New Ventures Associates, LLC ("New Ventures"), be allowed to resume placement of Construction and Demolition Fines and Residuals ("C & D Fines and Residuals") at the Crow Lane Landfill in Newburyport, Massachusetts. You submitted the request to MassDEP and the Office of the Attorney General by email on February 15, 2007.

On February 21, 2007, MassDEP, the Office of the Attorney General, and New Ventures agreed to amend the Preliminary Injunction entered on October 20, 2006 in *Commonwealth of Massachusetts v. New Ventures Associates, LLC*, Suffolk Superior Court, Civil Action No. 06-0790 C, as amended by order of the Court on November 1, 2006 (the "Order") as follows:

1. Amend Paragraph 1(d) to provide that New Ventures submit to the MassDEP by March 7, 2007 an Interim Operation Plan detailing the procedures for operating the landfill gas system at the landfill in accordance with Appendix A of the Order pending completion of the landfill cap.
2. Amend Paragraph 1(d) to provide that New Ventures submit to the MassDEP for review and approval a design plan for the permanent connection of the landfill gas pretreatment system and enclosed flare to the permanent header of the landfill gas system and that the permanent

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.
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connection be completed by the latter of April 1, 2007 or fourteen (24) days of the date of the MassDEP's approval.

3. Amend Paragraph 1(w) to provide for the implementation and installation of temporary storm water controls for the management and control of storm water runoff from the capped Phase I and Phase II Areas of the landfill.

As a result, and pursuant to Paragraph 9 of the Order, MassDEP authorizes New Ventures to resume the placement of C & D Fines and Residuals at the Crow Lane Landfill in Newburyport, Massachusetts in accordance with paragraphs 3 through 6, inclusive, of the Order, provided that New Ventures remains in compliance with the Order and the amendment thereto agreed to by the parties on February 21, 2007, to be entered by the Court on February 22, 2007.

Pending approval of the Revised Corrective Action Design ("RCAD") received by MassDEP on January 5, 2007, MassDEP authorizes New Ventures to utilize the surface grades depicted in the RCAD for the Phase IA area. This authorization does not constitute a final approval of the RCAD. The RCAD was received by MassDEP on January 5, 2007, as subsequently amended by plans received by MassDEP on January 19, 2007, is titled:

Corrective Action Design
Final Landfill Closure
For
Crow Lane Landfill
March 17, 2006
(Revised: December 20, 2006).

If you have any questions please contact me at (978) 694-3299.

Sincerely,

**This final document copy is being provided to you electronically by the
Massachusetts Department of Environmental Protection.
A signed copy of this document
is on file at the DEP office listed on the letterhead.**

John A. Carrigan, Chief
Solid Waste Management Section

Certified Mail Number: 7005 1160 0001 7982 4683

JAC/jac

Cc: Jack Morris
City of Newburyport
Health Department

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